



STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
1700 WEST WASHINGTON STREET, PHOENIX, AZ 85007

MAIN PHONE: 602-542-4331
FACSIMILE: 602-542-7601

May 2, 2006

The Honorable Ken Bennett
President
Arizona State Senate
1700 West Washington Street
Senate Office Building
Phoenix, Arizona 85007

Re: SB 1356: hazardous air pollutants; *de minimis*

Dear President Bennett:

Today I vetoed Senate Bill 1356, regarding the establishment of *de minimis* amounts for federally listed hazardous air pollutants (HAPs) under the state HAPs program.

The bill is in opposition to the rule on HAPs recently promulgated by the Department of Environmental Quality ("ADEQ"). That rule, which was approved unanimously by the Governor's Regulatory Review Council (GRRC) on April 4, 2006, was developed by ADEQ through a two-year public process that included seven facilitated stakeholder meetings, three technical workshops, and two public hearings. During the stakeholder process, ADEQ made numerous changes to the rule in response to public comments, including those of industry groups. The rule protects Arizonan's from exposure to 73 toxic air pollutants that are known to cause cancer, blood disorders, lung disease, nervous system damage, genetic defects and other very serious health problems, as well as death.

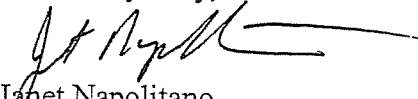
Senate Bill 1356 could be construed to place significant new and unnecessary obstacles in the way of ADEQ's important efforts to regulate toxic air pollutants. Such obstacles are not in the best interest of Arizona's children and families.

Finally, I also note that Senate Bill 1356 contains language purporting to give ADEQ authority to adopt *de minimis* amounts for federally listed HAPs "for the first time." This language is legally inaccurate, as the Arizona Attorney General's Office has stated that ADEQ already clearly possesses such authority. Inaccurate statements such as this arguably could undermine the effective enforcement of ADEQ's current HAPs rules.

The Honorable Ken Bennett
May 2, 2006
Page Two

For these and other reasons, I am vetoing Senate Bill 1356.

Yours very truly,



Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Jim Weiers
The Honorable Carolyn Allen